

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested. Claims 1-66 remain pending with claims 1, 27, 48 and 49 being independent. Claims 1, 27, 36 and 45-66 have been amended.

Claims 36, 45, 46, 47 and 50-66 stand rejected under 35 USC 112, second paragraph, for the reasons noted at pages 2-3 of the office action. Without conceding the propriety of this rejection, and solely to expedite prosecution, these claims have been amended to address the noted concerns. Claims 1-66 as presented fully comply with 35 USC 112.

For the reasons set forth at pages 3-18 of the office action, claims 1-66 stand variously rejected under 35 USC 102(b) and 103(a) as being unpatentable over one or more of HFD, Ng, Samit, Gardenswartz, Donaldson, Kay, Woods, Krantz, and Kramer. These rejections and their underlying rationale are traversed in their entirety.

As presented, independent claim 1 is directed to a computer-implemented method for encouraging users of a computer network to access dynamic pricing information on the computer network. The method of claim 1 includes distributing over the computer network to one or more users of the computer network a modular computer program that presents dynamic pricing information collected from a plurality of sources on the computer network, and presenting to the one or more users of the modular computer program an interactive visual indication of a user-attractive resource available on the computer network. The art of record fails to disclose or suggest the combination of features recited in claim 1.

The primary citation, HFD, is an article from the Weekly Home Furnishings Newspaper relating to fluctuating prices on end-user software packages such as Intuit Quicken, Microsoft Access, PeachTree Accounting, and the like. The HFD article discloses, for example, that Intuit's prices on Quicken are "all-over-the field," presumably meaning that Intuit's retail price for its Quicken product has been fluctuating considerably. However, HFD makes no mention or suggestion of a computer-implemented method for encouraging users of a computer network to access dynamic pricing information on the computer network, as recited in claim 1, in which a modular computer program is distributed over the computer network and presents dynamic pricing information collected from a plurality of sources on the computer network. Indeed, HFD has nothing to do with computer-implemented dynamic pricing systems or modular computer

programs for presenting dynamic pricing information. In particular, HFD makes no mention of modular computer programs that present dynamic pricing information, much less distributing such a modular computer program over a computer network. The assertion that the HFD article somehow discloses such a modular computer program and/or the method of claim 1 is non-sensical and without basis.

Furthermore, HFD fails to disclose or suggest presenting to the one or more users of the modular computer program an interactive visual indication of a user-attractive resource available on the computer network. As noted above, HFD does not even disclose a modular computer program as claimed, much less presenting to users of a modular computer program an interactive visual indication of a user-active resource available on the computer network. The Examiner's assertion to the contrary is without support or foundation.

Accordingly, claim 1 is allowable over HFD for at least the foregoing reasons. The remaining rejections all rely on HFD and thus are per se deficient at least for the reasons discussed above. Moreover, the remaining art of record fails to cure the deficiencies of HFD. In particular, none of Ng, Samit, Gardenswartz, Donaldson, Kay, Woods, Krantz, or Kramer, regardless of any hypothetical combination, discloses or suggests a computer-implemented method for encouraging users of a computer network to access dynamic pricing information on the computer network, as recited in claim 1, in which a modular computer program is distributed over the computer network and presents dynamic pricing information collected from a plurality of sources on the computer network.

Independent claims 27, 48 and 49 are allowable at least for the reasons that claim 1 is allowable as discussed above.

In particular, independent claim 27 is directed to a computer-implemented system for encouraging users of a computer network to access dynamic pricing information on the computer network. The system of claim 27 includes a modular computer program that displays to a user dynamic pricing information received from a plurality of dynamic pricing information sources and presents to the user of modular computer an interactive visual indication of a user-attractive resource available on the computer network.

Independent claim 48 is directed to a computer-implemented method for encouraging users of a computer network to access a dynamic pricing system in which a user-interface

abstraction is presented to display dynamic pricing information collected from a plurality of sources on a computer network and further displaying an interactive visual indication of a user-attractive resource available on the computer

Independent claim 49 is directed to computer software for encouraging users of a computer network to access a dynamic pricing system. The software of claim 49 includes instructions to cause a computer system to present a user-interface abstraction that displays dynamic pricing information collected from a plurality of sources on the computer network and to display an interactive visual indication of a user-attractive resource available on the computer network.

Accordingly, the independent claims are allowable at least for the foregoing reasons. The remaining claims each depends directly or indirectly from one of the independent claims discussed above. Accordingly, these dependent claims are allowable for the reasons that their respective independent claims are allowable and for reciting allowable subject matter in their own right. By way of example, dependent claim 6 recites distributing the modular computer program by pushing a copy of the program to one or more other users of the computer network. Further, claims 10, 11 and 12 are directed at causing the modular computer program to display a stream of dynamic pricing information collected from the computer network in a predefined taxonomy and in a manner that varies based on user input. Dependent claim 22 recites that the modular computer program displays dynamic pricing information in a ticker display format.

It is submitted that the cited art fails to disclose or suggest any of the above-noted features in the dependent claims. Independent consideration and allowance of the dependent claims are requested.

The foregoing comments with respect to positions taken by the examiner cannot be construed as acquiescence by the applicant with other positions of the Examiner that have not been explicitly contested. Similarly, the foregoing arguments for patentability of a claim cannot be construed as implying that there are not other good and independent reasons for patentability of that claim or other claims.

In view of the foregoing amendments, the claims on file are allowable and a notice to that effect is requested.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant : Woolston et al.
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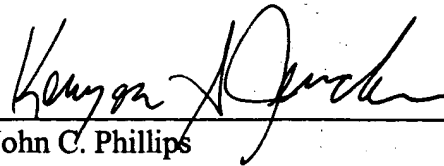
Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit
Account No. 06-1050.

Respectfully submitted,

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Version with markings to show changes made

In the claims:

Claims 1, 27, 36 and 45-66 have been amended as follows:

1. (Amended) A computer-implemented method for encouraging users of a computer network to access dynamic pricing information on the computer network, the method comprising:

distributing over the computer network to one or more users of the computer network a modular computer program that [displays] presents dynamic pricing information collected from a plurality of sources on the computer network; and

presenting to the one or more users of the modular computer program an interactive visual indication of a user-attractive resource available on the computer network.

27. (Amended) A computer-implemented system for encouraging users of a computer network to access dynamic pricing information on the computer network, the system comprising:

a [source] plurality of sources of dynamic pricing information;

a modular computer program comprising instructions to perform the following operations:

receive dynamic pricing information from the plurality of dynamic pricing information [source] sources;

display the received dynamic pricing information to a user of the modular computer program; and

present to the user of the modular computer program an interactive visual indication of a user-attractive resource available on the computer network.

36. (Amended) The system of claim 34 wherein the interactive [link] visual indication comprises a link associated with a uniform resource locator (URL) tag.

45. (Amended) The system of claim [43] 44 wherein each of the plurality of instances of the modular computer program includes one or more associated visual indications of a user-attractive resource available on the computer network.

46. (Amended) The system of claim [44] 45 wherein each of the one or more visual indications can be the same as or different from the visual indications on other instances of the modular computer program.

47. (Amended) The system of claim [44] 45 wherein each of the one or more visual indications can correspond to the same or different user-attractive resources as the visual indications on other instances of the modular computer program.

48. (Amended) A computer-implemented method for encouraging users of a computer network to access a dynamic pricing system, the method comprising presenting a user-interface abstraction that displays dynamic pricing information collected from a plurality of sources on the computer network and displays an interactive visual indication of a user-attractive resource available on the computer network.

49. (Amended) Computer software, embodied in a tangible medium and/or in a propagated carrier signal, for encouraging users of a computer network to access a dynamic pricing system, the software comprising instructions to cause a computer system to present a user-interface abstraction that displays dynamic pricing information collected from a plurality of sources on the computer network and displays an interactive visual indication of a user-attractive resource available on the computer network.

50. (Amended) The software of claim [48] 49 wherein the instructions are embodied as a Java-based applet.

51. (Amended) The software of claim [48] 49 further comprising instructions for receiving dynamic pricing information from the computer network.

52. (Amended) The software of claim [48] 49 wherein the computer network comprises the Internet.

53. (Amended) The software of claim [48] 49 wherein the computer network comprises a virtual private network.

54. (Amended) The software of claim [48] 49 wherein the dynamic pricing information that is displayed varies based on user input.

55. (Amended) The software of claim [48] 49 wherein the dynamic pricing information has a predefined taxonomy, and wherein the software further comprises instructions to allow a user to selectively view different levels of the taxonomy.

56. (Amended) The software of claim [48] 49 wherein the interactive visual indication comprises a glyph.

57. (Amended) The software of claim [48] 49 wherein the interactive visual indication comprises an interactive link to the user-attractive resource.

58. (Amended) The software of claim [56] 57 wherein the interactive link comprises a uniform resource locator (URL) tag.

59. (Amended) The software of claim [48] 49 wherein the user-attractive resource comprises a contest.

60. (Amended) The software of claim [48] 49 wherein the user-attractive resource comprises a reward program.

61. (Amended) The software of claim [48] 49 wherein the user-attractive resource comprises a coupon.

62. (Amended) The software of claim [48] 49 wherein the user-attractive resource comprises an advertisement.

63. (Amended) The software of claim [48] 49 wherein the user-attractive resource comprises a multi-media presentation.

64. (Amended) The software of claim [48] 49 further comprising instructions for providing a user with access to the user-attractive resource upon sensing that the user selected the interactive visual indication.

65. (Amended) The software of claim [48] 49 wherein the dynamic pricing information is displayed in a ticker display format.

66. (Amended) The software of claim [48] 49 wherein a plurality of instances of the software can execute concurrently.